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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RACHEL ROTHSTEIN, *et al.*,

Plaintiffs,

-against-

UBS AG,

Defendant.

No. 08-cv-4414 (JSR)

Electronically Filed

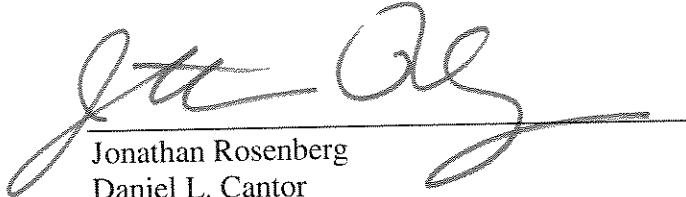
**NOTICE OF  
DEFENDANT'S MOTION  
TO DISMISS THE FIRST AMENDED  
COMPLAINT**

PLEASE TAKE NOTICE that upon the First Amended Complaint in this action; the accompanying Memorandum of Law in Support of Defendant's Motion to Dismiss the First Amended Complaint; the Declaration of Daniel L. Cantor, Esq., dated September 4, 2008, and the exhibits attached thereto; the opposition papers to be filed by plaintiffs on September 18, 2008; the reply papers to be filed by defendant UBS AG ("UBS") on September 25, 2008; the arguments of counsel; all matters of which the Court may take judicial notice; and such other matters as may be presented at the hearing on this Motion or prior to the Court's decision, UBS will move this Court, before the Honorable Jed S. Rakoff, in Courtroom 14B of this Court, located at 500 Pearl Street, New York, New York, 10007, on October 2, 2008 at 2:00 p.m., or as soon thereafter as counsel may be heard, for an Order dismissing the First Amended Complaint

with prejudice pursuant to Fed. R. Civ. P. 12(b)(6), and for such other and further relief as this Court may deem just and proper.

Dated: New York, New York  
September 4, 2008

O'MELVENY & MYERS LLP



The image shows two handwritten signatures in black ink. The signature on the left is "Jt" and the signature on the right is "Al". A horizontal line extends from the end of the "Al" signature to the right.

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